

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRANSPERFECT GLOBAL, INC., et al.

No. C 10-2590 CW

Plaintiffs,

ORDER RESOLVING
MOTIONS TO SEAL
(Docket Nos. 249,
250, 253, 258)

v.

MOTIONPOINT CORP.,

Defendant.

_____ /

Plaintiffs Transperfect Global, Inc., Transperfect
Translations, Inc., and Translations.com, Inc. have filed a
renewed motion to file under seal Exhibits 13-15 of Joseph H.
Lee's declaration in support of their opening claim construction
brief and motion for summary judgment. Docket No. 249. They have
also filed a motion to seal portions of their reply in support of
their motion for claim construction and summary judgment and
Exhibits 1-8 of the Declaration of Michael B. Eisenberg. Docket
No. 253. Because both of Plaintiffs' motions to seal are
supported by sworn declarations and are narrowly tailored to seek
sealing only of confidential trade secrets, the Court grants both
motions.

Defendant MotionPoint Corporation has also filed two motions
to file documents under seal. In its first motion, it seeks to
seal portions of (1) its cross-motion and opposition to
Plaintiffs' motion for claim construction and summary judgment;
(2) Exhibits 5, 7, 9, and 10 to the Declaration of Gregory C.
Wyckoff; and (3) the Declaration of Jeffrey S. Chase. Docket No.
250. Having reviewed the Declaration of Meghan E. Bordonaro filed

1 in support of the motion, the Court finds that Defendant has
2 demonstrated compelling reasons to seal portions of its brief and
3 Exhibits 9 and 10 of the Wyckoff declaration, each of which
4 contains proprietary information concerning Defendant's technology
5 and internal business operations. The Court does not, however,
6 find compelling reasons to seal portions of the Chase declaration
7 or Exhibits 5 and 7 to the Wyckoff declaration. Defendant stated
8 in its motion that Plaintiffs, who designated these documents
9 confidential, would file a declaration supporting sealing of these
10 documents within seven days of its motion pursuant to Civil Local
11 Rule 79-5(d). Because Plaintiffs failed to do so, the motion is
12 denied with respect to these documents.

13 The same analysis applies to Defendant's second motion to
14 seal. Docket No. 258. That motion and the accompanying
15 Declaration of Meghan E. Bordonaro demonstrate compelling reasons
16 to seal Exhibit 20 and paragraphs 217-22 and 417-22 of Exhibit 16
17 to the Wyckoff declaration, which contain descriptions of
18 Defendant's proprietary technology. The motion stated that
19 Plaintiffs would subsequently file a declaration supporting
20 sealing of the documents they designated confidential: namely,
21 Exhibit 20 and paragraph 423 of Exhibit 16 to the Wyckoff
22 declaration. Because Plaintiffs failed to file such a
23 declaration, the motion is denied with respect to these documents.

24 CONCLUSION

25 For the reasons set forth above, Plaintiffs' motions to file
26 under seal (Docket Nos. 249 & 253) are GRANTED. Within two days
27 of this order, Plaintiffs shall file redacted versions of the
28 following documents in the public record: Exhibits 13-15 of the

Declaration of Joseph H. Lee; TransPerfect's Reply Claim Construction Brief, Reply In Support of Its Motion for Summary Judgment, and Opposition to MotionPoint's Motion for Summary Judgment; and Exhibits 1-8 of the Declaration of Michael B. Eisenberg.

Defendant's motions to file under seal (Docket Nos. 250, 258) are GRANTED in part and DENIED in part. Within two days of this order, Plaintiffs must file a declaration demonstrating with particularity the need to file under seal every document or portion thereof listed in Defendant's sealing motions that Plaintiffs designated as confidential. If Plaintiffs fail to do so, Defendant shall file unredacted versions of these documents in the public record.

IT IS SO ORDERED.

Dated: 2/26/2013


CLAUDIA WILKEN
United States District Judge